

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 446

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO DIVORCE ACTIONS; AMENDING SECTION 32-717D, IDAHO CODE, TO GRANT  
THE COURT THE DISCRETION TO AWARD ATTORNEY'S FEES AND COSTS IN CERTAIN  
CIRCUMSTANCES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 32-717D, Idaho Code, be, and the same is hereby  
amended to read as follows:

32-717D. PARENTING COORDINATOR. (1) Provided that a court has entered  
a judgment or an order establishing child custody in a case, the court may  
order the appointment of a parenting coordinator to perform such duties as  
authorized by the court, consistent with any controlling judgment or order  
of a court relating to the child or children of the parties, and as set forth  
within the order of appointment. The court shall direct the parenting coor-  
dinator to provide a status report to the court at a time and in a manner as  
determined by the court. Provided however, that the court shall require the  
parenting coordinator to provide a minimum of one (1) status report to the  
court at least once every six (6) months. At any time during the period of ap-  
pointment, the court, on its own initiative, or upon request of the parenting  
coordinator or either party, may hold a status conference to review the con-  
tinued appointment of the coordinator and/or the status of the case.

(2) Qualification, selection, appointment, termination of appoint-  
ment, and prescribed duties and responsibilities of a parenting coordinator  
shall be based upon standards and criteria as adopted by the Idaho supreme  
court. Provided however, that standards and criteria for qualification  
and selection of a parenting coordinator, as adopted by the Idaho supreme  
court, shall not apply to a parenting coordinator selected and agreed to by  
the parties. In addition, as a condition of any appointment, a parenting  
coordinator shall:

(a) Be neutral to the dispute and to the parties;

(b) Be either selected pursuant to agreement of the parties or ap-  
pointed by the court; and

(c) Prior to any appointment, and at their own cost, have submitted to a  
criminal history check through any law enforcement office in the state  
providing such service. The criminal history check shall include a  
statewide criminal identification bureau, the federal bureau of inves-  
tigation criminal history check, the national crime information center  
and the statewide sex offender register. A record of all background  
checks shall be maintained in the office of the supreme court of the  
state of Idaho with a copy going to the applicant and shall be available  
for review by the court considering a parenting coordinator appointment  
prior to an appointment.

1           (3) In addition to those duties as authorized by the court pursuant to  
2 the order of appointment, the responsibilities of a parenting coordinator  
3 shall include collaborative dispute resolution in parenting. The parenting  
4 coordinator shall act to empower the parties in resuming parenting controls  
5 and decision-making, and minimize the degree of conflict between the parties  
6 for the best interests of the children.

7           (4) The court shall allocate the fees and costs of the parenting coordi-  
8 nator between the parties and may enter an order against either or both par-  
9 ties for the reasonable costs, fees and disbursements of the parenting coor-  
10 dinator. Any dispute regarding payment of the fees and costs of the parent-  
11 ing coordinator shall be subject to review by the court upon request of the  
12 parenting coordinator or either party.

13           (5) The court may award attorney's fees and costs to the prevailing  
14 party on a motion to set aside or modify the decision of a parenting coordi-  
15 nator.